



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**THE ROLE OF ARMY NATIONAL GUARD SPECIAL  
FORCES DOMESTICALLY AND IN SPECIAL  
OPERATIONS COMMAND - NORTH**

by

Peter B. East

December 2014

Thesis Advisor:  
Second Reader:

Doug Borer  
Guy Lemire

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**THE ROLE OF ARMY NATIONAL GUARD SPECIAL FORCES  
DOMESTICALLY AND IN SPECIAL OPERATIONS COMMAND - NORTH**

Peter B. East  
Major, Army National Guard  
B.S., Central Connecticut State University, 2000

Submitted in partial fulfillment of the  
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December 2014**

Author: Peter B. East

Approved by: Dr. Doug Borer  
Thesis Advisor

COL Guy Lemire  
Second Reader

Dr. John Arquilla  
Chair, Department of Defense Analysis

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## **ABSTRACT**

The Army National Guard Special Forces has a unique position that allows state governors to call upon the group to support domestic operations and provide additional forces for the United States Army Special Forces Command when needed. The necessity to coordinate the emerging domestic operations being undertaken or discussed by the Army National Guard Special Forces has been identified as a shortcoming by senior leaders of the Army National Guard and their Special Operations advisors, but little has been done to ensure the coordination and collaboration is executed. The newly established Special Operations Command – North is ideally situated to assist in this effort.

This thesis examines the difficulties of coordinating operations conducted in a Title 32 status across state lines and with a command element that is a Title 10 force. Additionally, given the unique laws and policies that dictate defense support to civil authorities, this thesis analyzes what the Army National Guard Special Forces has done and is currently doing and how Special Operations Command – North can fit into the homeland defense mission set. This thesis concludes with recommendations on developing the relationship between the states, Special Operations Command – North and Special Operations Command's Global SOF Network and where the manpower and funding can come from for the emerging relationship.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

AC – SF	Active Component Special Forces
AGR	Active Guard & Reserve
ARNG	Army National Guard
ARNG – SF	Army National Guard – Special Forces
AOR	Area of Responsibility
BORTAC	United States Border Patrol Tactical Unit
CT	Counterterrorism
DASD (CN & GT)	Deputy Assistant Secretary of Defense (Counternarcotics & Global Threats)
DSCA	Defense Support to Civil Authorities
EMAC	Emergency Management Assistance Compact
FID	Foreign Internal Defense
LEA	Law Enforcement Agency
MFP	Major Force Program
NGB	National Guard Bureau
NORTHCOM	Northern Command
NSSE	National Special Security Events
ODA	Operational Detachment – Alpha
RNC	Republican National Convention
SF	Special Forces
SFG	Special Forces Group
SOCNORTH	Special Operations Command – North
SOD	Special Operations Detachment
SOF	Special Operations Forces
SR	Special Reconnaissance
TSOC	Theater Special Operations Command
USSOCOM	United States Special Operations Command
USASFC	United States Army Special Forces Command
USASOC	United States Army Special Operations Command
USC	United States Code

USSS	United States Secret Service
UW	Unconventional Warfare

## **I. INTRODUCTION**

Over the last 13 years, U.S. Army National Guard Special Forces (ARNG-SF) units have seen an increased level of overseas utilization during Operations Enduring Freedom, Iraqi Freedom and New Dawn. The majority of operational missions have been in Iraq and Afghanistan, with a few deployments to the Pacific Rim, Caribbean Islands, and Central and South America. Each mission was designed to relieve a portion of the stress felt by the active duty Special Forces (AC-SF), but none of them achieved a level reaching the requirement of the commander of U.S. Special Operations Command, Admiral William McRaven, for a dwell time equal to the time spent in an operational mission. A number of articles and papers have addressed the continued utilization of the ARNG-SF to maintain relevance and to continue relieving the stress on the AC-SF units. Each ARNG-SF unit has a statement in its mission (or an entirely additional mission statement) that addresses its unique responsibility to provide support to respective state adjutants general and governors. However, their use during domestic operations—specifically, operations that could assist in the maintenance of special operations skills—has not been addressed substantially in the scholarly literature.

Because members of Army National Guard Special Operations Forces are authorized for dual missions, unlike their active duty counterparts, ARNG-SF units are uniquely positioned to provide assistance in both homeland defense and civil support during emergencies. Special Operations Command – North is also authorized to provide high level of leadership that can coordinate efforts across the nation by providing advice to both state and Title 10 military leadership. However, the lack of strategic guidance and the narrow focus of laws authorizing the use of the Army National Guard Special Operations Forces domestically hamper the broad-reaching capabilities available within the force structure accessible to governors and adjutants general.

As such, this thesis begins with the premise that the Army National Guard Special Forces (ARNG – SF) possesses a unique but poorly understood capability within the Army National Guard. ARNG – SF's ability to conduct unconventional warfare, direct action, foreign internal defense, and special reconnaissance is doctrinally mandated (and

are identical to active duty Special Forces units); but their ability to adapt these skills to domestic operations that the regular Army is prevented by Posse Comitatus<sup>1</sup> restrictions, is a worthy topic for deeper exploration.

This thesis will begin this exploration by addressing the following set of nested questions:

1. How can the Army National Guard Special Operation Forces units be better utilized in order to support their State, Special Operations Command – North, and the Global SOF Network as a whole?
2. What role might Special Operations Command – North play in the defense support to civil authority arena?
3. What missions are currently being assumed under Title 32<sup>2</sup> and what initiatives are currently being pursued?
4. What positions should be filled in Special Operations Command – North by members of the National Guard?

This exploration will use a qualitative method and sources. Primary sources will include archived local, state and federal policy documents, government reports, and first-person interviews. Secondary sources will include the analytical and historical accounts derived from the literature. Interviews and personal experience will also be relied upon for clarification and development of outcomes and outputs.

The first section will focus on the roles of the Army National Guard as a whole, and the specific roles assigned to Army National Guard Special Forces domestically. Herein the legal authorities (Title 32) of the National Guard and Active Duty military will

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<sup>1</sup> Use of Army and Air Force as Posse Comitatus Act of 1956. Public Law 103–322 § 330016 (1) (L), U.S. Statutes at Large 108 (1994): 2147.

<sup>2</sup> National Guard Act of 1956. Public Law 113–65 § 2, U.S. Statutes at Large 596 (2004): 1880. Title 32 USC authorizes the Governor (or senior executive) of the state, district or territory to utilize their National Guard forces, as they deem necessary within their state boundaries. This is commonly seen during natural or manmade disasters when a Governor may call their National Guard to assist in hurricane, wild fire or earthquake relief or during situations such as the bombing of the Boston Marathon in 2013. Depending on the situation the funds used to pay the National Guard troops either comes from the Department of Defense or in some less common cases must be funded from within the State treasury. For this paper I will use Title 32 to refer to situations when the Governor has authorized the National Guard to operate within their state in order to support law enforcement missions, provide civil relief during natural or manmade disasters and providing training to military and law enforcement.



also be discussed along with the challenges of the two commands. Finally, the role and responsibility of the newly established Special Operations Command – North will be analyzed.

The second part of this thesis will analyze the policies that affect homeland defense and the National Guard's role inside it. A review of state and federal authorities and cases will be used as a framework for this analysis. The regulations that guide counter-drug operations, law enforcement support and training programs currently being pursued by the Army National Guard Special Forces will also be studied. A common theme that will be identified is the lack of direction and a concrete plan to implement the guidance from the Executive Branch and policy.

The third part will focus on the incorporation of Special Operations Command – North into the homeland defense framework and how the Army National Guard Special Forces can support the new command. I then conclude with a discussion of recommendations for developing guidance and possible funding strategies for the future missions. These recommendations will include broadening existing authorities and policies for Army National Guard Special Operations Forces, Army National Guard personnel assigned to Special Operations Command – North, and funding solutions for the increased domestic missions and personnel support.

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## II. THE ARMY NATIONAL GUARD

In the 17 states that have Special Operations Forces units, there have been a number of times that Special Forces soldiers have been used in response to natural or manmade disasters or have provided assistance to local law enforcement and emergency agencies, such as Hurricane Katrina and the Florida Counterdrug Program. During Hurricane Katrina relief efforts, members of the 3<sup>rd</sup> Battalion, 20<sup>th</sup> Special Forces Group (3/20 SFG) from Florida established a law enforcement coordination cell in the Harrah's Casino outside of New Orleans to assist in the coordination of search and rescue efforts through the city.<sup>3</sup> In this capacity, the 3/20<sup>th</sup> SFG leadership held daily tasking briefings that coordinated the search-and-rescue efforts for the day between the myriad of law enforcement and military entities that were assisting in Louisiana. Third Battalion, Twentieth Special Forces Group was also designated as the headquarters for the Special Forces Task Force that oversaw the utilization and tasking of the ARNG – SF units sent from Colorado, California, Utah, Florida, Alabama and Mississippi.<sup>4</sup> A core unit of experienced and flexible soldiers allowed 3/20<sup>th</sup> Special Forces Group to quickly adapt to the situation on the ground and to begin efficient operations during a major domestic crisis. Florida has utilized an entire Special Forces Detachment – Alpha (ODA) to conduct support for the Florida Counterdrug Program in the past. Today the Ground Reconnaissance Team is led by members of the Special Forces Battalion but has both Army National Guard General Purpose troops and Special Forces qualified soldiers making up its ranks. This group provides surveillance support and training to Florida law enforcement agencies investigating drug production and trafficking. Again, the maturity and experience of those in ARNG – SF allows coordinated efforts within the state to fight domestic problems efficiently and effectively.

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<sup>3</sup> Jeffrey Pounding, "After Action Review: Special Forces Task Force Response to Hurricane Katrina" presentation to the Army National Guard Special Forces Advisory Council (SOFAC), Arlington, VA, January 2006.

<sup>4</sup> Steve Alvarez, *Alabama Guard Provides Critical Disaster Response*, (Montgomery, AL: American Forces Press Service, 2005).

With the establishment of Special Operations Command—North (SOCNORTH) in 2013, a Title 10<sup>5</sup> headquarters that became fully operational in August 2014<sup>6</sup> and has the responsibility to support, resource and command and control special operations units within the Northern Command (NORTHCOM) area of responsibility (AOR). Each of the other Theater Special Operations Command's (TSOCs) has a number of National Guardsmen on staff that provide expertise on how to find, mobilize and utilize National Guard units and personnel within their respective theater. There has not been a designated Army National Guard Special Forces representative that focuses on assisting the special operations community within NORTHCOM. With the formation of SOCNORTH, and the future assignment of designated Army National Guard soldiers to the command, the ability to coordinate ARNG – SF domestic missions across the country can be met.

#### **A. ROLE OF THE ARMY NATIONAL GUARD**

The Army National Guard is a component of the U.S. Army that is made up of elements within the 50 states and four territories (the latter are: U.S. Virgin Islands, Guam, Puerto Rico and the District of Columbia) of the United States. The Army National Guard has both state and federal missions. Under the state chain of command, the Army National Guard reacts to emergencies, storms, disasters and civil disturbances through the adjutant general and is responsible to their respective governor. The president can also call upon the Army National Guard in times of emergency in order to provide combat, combat support and combat service support to the active component of the military.<sup>7</sup>

The Army National Guard is made up primarily of traditional members who attend drill once a month and conduct a group annual training once a year (usually two

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<sup>5</sup> As was discussed earlier with Title 32 USC, Title 10 USC is the legal basis for federally funding, manning, equipping and controlling a military force for the defense of the United States.

<sup>6</sup> Organization and General Military Powers Act of 1962. Public Law 87–651 § 203, U.S. Statute at Large 519 (2013) 76.

<sup>7</sup> “About Us, the Army National Guard,” The Army National Guard, accessed 28 August 2014 <http://www.arng.army.mil/aboutus/Pages/default.aspx>

weeks in duration).<sup>8</sup> The remainder of the Army National Guard is made up of members of the Active Guard or Reserve (AGR) force. These soldiers work in either a Title 32 or Title 10 status. The Title 32 AGR force works within their respective states and conduct missions that range from running and maintaining the individual armories and unit records, to resourcing training and interacting with the National Guard Bureau about federal funds and equipment. The Title 10 AGR force works with the active component, within the Army National Guard Directorate, or on the National Guard Bureau or Joint Staff and assist in policy development, federal resourcing requirements, or training and mission development and tracking. The three categories of members work together in order to meet both the State and Federal missions tasked to their units and must maintain a balance within the dual mission requirements. Unlike the Army Reserve, the Army National Guard maintains a combat focus with their organic Infantry, Armor, Aviation and Special Forces units.

Within the Army National Guard force structure there are a number of Special Operations units. The two Special Forces Groups and ten Special Operations Detachments are spread across fifteen states. The 19<sup>th</sup> Special Forces Group (Airborne) is headquartered in Draper, Utah. Their three subordinate Battalions are headquartered in Utah (1<sup>st</sup> Battalion), West Virginia (2<sup>nd</sup> Battalion) and Colorado (5<sup>th</sup> Battalion). The 20<sup>th</sup> Special Forces Group (Airborne) is headquartered in Birmingham, Alabama with subordinate Battalions in Alabama (1<sup>st</sup> Battalion), Mississippi (2<sup>nd</sup> Battalion) and Florida (3<sup>rd</sup> Battalion). Along with the two Groups, the Special Operations Detachments (SOD's) are spread across ten states. Rhode Island (SOD-G), Maryland (SOD-G2), West Virginia (SOD-E), North Carolina (SOD-X), Florida (SOD-C), Mississippi (SOD-S), Texas (SOD-A), Colorado (SOD-K) and California (SOD-N) and Washington (SOD-P) each are a unit that supports either a Theater Special Operations Command or other Special Operations elements. The figure below identifies locations, types and affiliations of the Special Operations Forces within the Army National Guard Force Structure.

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<sup>8</sup> Required Drills and Field Exercises Act of 1956. Public Law 109–364 § 502, U.S. Statute at Large 120 (2006): 2195.

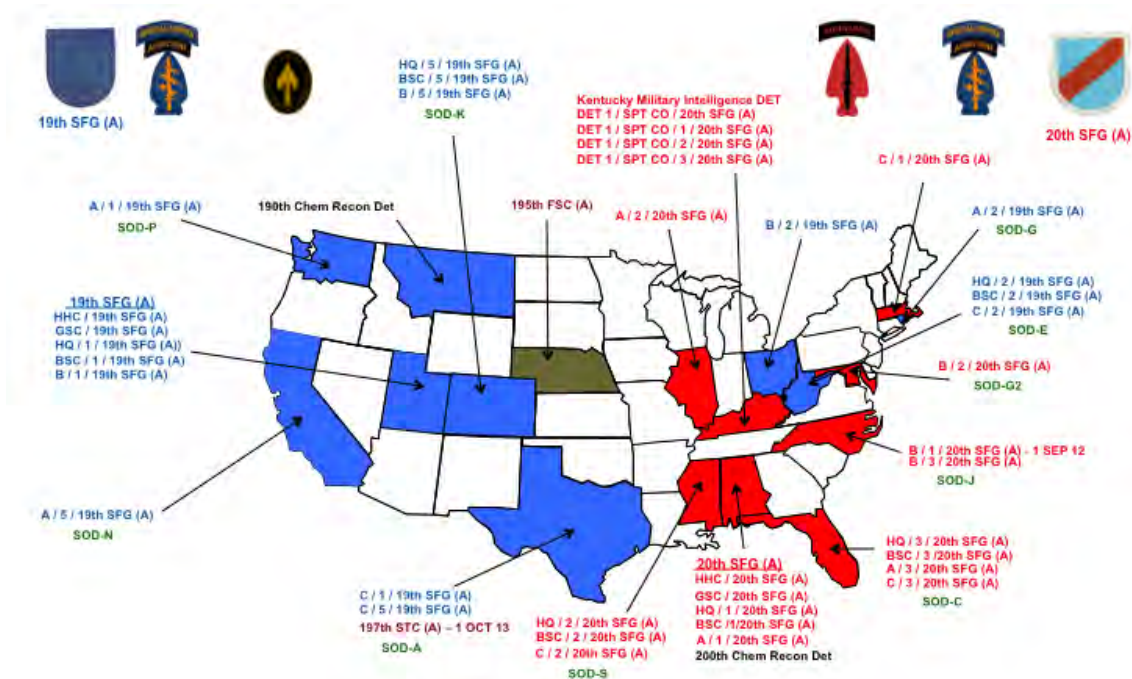


Figure 1. Army National Guard Special Operations Forces Locations.<sup>9</sup>

## B. ARMY NATIONAL GUARD SPECIAL FORCES WITHIN TITLE 10

The Army National Guard is an element of the U.S. Army under state command and control unless called upon by the President for federal active duty.<sup>10</sup> Under Title 10 USC §101 (c) the Army National Guard is also a portion of the reserve component to the Army.<sup>11</sup> This link between state and federal entity provides the President access to additional forces when needed. The ARNG – SF units must maintain a level of training

<sup>9</sup> Timothy Hoban, “Army National Guard Special Forces Force Structure Update,” presentation given October 2013 to the Army National Guard Special Operations Forces Advisory Committee (Alexandria, VA 2013). There are a total of 18 states that have a Special Operations Unit assigned to their force structure, as seen in the figure above. Kentucky has the three Military Intelligence Detachments that fall directly under the 20<sup>th</sup> Special Forces Group Headquarters Company, Montana has the Chemical Reconnaissance Detachment from the 19<sup>th</sup> Special Forces Group Headquarters and Nebraska has 195<sup>th</sup> Forward Support Company that is subordinate to the Support Brigade in the U.S. Army Special Operations Command. Though they are Special Operations units they do not have Special Forces Qualified soldiers assigned, they are support units that deploy with their higher headquarters or when needed to support other Special Operations units.

<sup>10</sup> *Perpich vs. Department of Defense*. 496 U.S. 334 (1990).  
<https://supreme.justia.com/cases/federal/us/496/334/case.html> (accessed 3 September 2014).

<sup>11</sup> Definitions Act of 1956. Public Law 112–239 § 68, U.S. Statute at Large 126 (2013) 1795.

that meets the intention of both state and federal leadership within their core tasks. The seven core tasks of Special Forces are the same whether on active duty or a member of the ARNG – SF.

### **1. Unconventional Warfare**

Army Field Manual 3–05.20 Special Forces Operations, defines Unconventional Warfare as “a broad range of military and/or paramilitary operations and activities, normally of long duration, conducted through, with or by indigenous or other surrogate forces that are organized, trained, equipped, supported, and otherwise directed in varying degrees by an external source.”<sup>12</sup> Special Forces soldiers in Afghanistan conducted UW in order to overthrow the Taliban in the early days of Operation Enduring Freedom.

### **2. Foreign Internal Defense**

Foreign Internal Defense is defined in Joint Publication 1–02 as participation by civilian and military agencies of a government in any of the action programs taken by another government or designated organization to free and protect its society from subversion, lawlessness, and insurgency.<sup>13</sup> Special Forces soldiers are currently conducting FID type missions in Afghanistan and other nations around the world by training and advising military and police elements in order to strengthen the current governments of the host countries and support the USSOCOM Global SOF Network.<sup>14</sup>

### **3. Direct Action**

This is the easiest defined task of the Special Forces. A direct action mission is a short-duration strike and/or other small scale offensive action conducted as a special operation in hostile, denied or politically sensitive environment that employ specialized

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<sup>12</sup> Department of the Army, *Special Forces Operations* (FM 3–05.20) (Washington, DC: Government Printing Office, 2006) 2–1.

<sup>13</sup> Department of Defense, *Dictionary of Military and Associated Terms*, (JP 1–02) (Washington, DC: Government Printing Office, 2010) 100.

<sup>14</sup> Department of the Army, *Special Forces Operations* (FM 3–05.20) (Washington, DC: Government Printing Office, 2006) 2–3.

military capabilities to seize, destroy, capture, exploit, recover, or damage designated targets.<sup>15</sup>

#### **4. Special Reconnaissance**

Unlike the reconnaissance assets found in the conventional military units, Special Forces are used in “hostile, denied, or politically sensitive environments to collect or verify information of strategic or operational significance, employing military capabilities not normally found in conventional forces...SR may include information on activities of an actual or potential enemy or secure data on the meteorological, hydrographic, or geographic characteristics of a particular area.”<sup>16</sup>

#### **5. Counter Terrorism**

The operations are ones that include offensive measures taken to prevent, deter, preempt, and respond to terrorism. Hostage rescue, recovery of sensitive materials and attacks against terrorist networks or infrastructure are examples of CT missions.<sup>17</sup>

#### **6. Counter Proliferation**

Actions taken to locate, seize, destroy, render safe, capture or recover weapons of mass destruction are considered counter proliferation operations. Special Forces Detachments identified to conduct these operations normally undergo specialized advanced training in order to safely handle the materials, protect themselves and the populations affected.<sup>18</sup>

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<sup>15</sup> Department of the Army, *Special Forces Operations* (FM 3–05.20) (Washington, DC: Government Printing Office, 2006) 2–3.

<sup>16</sup> Ibid., 2–4.

<sup>17</sup> Ibid., 2–5.

<sup>18</sup> Ibid., 2–6.



## **7. Support to Information Operations**

Army Special Operations Forces support information operations in order to achieve information superiority over an adversary.<sup>19</sup> The most common example of this support is demonstrated in the key leader engagements conducted by Special Forces soldiers in order to understand affected population points of view and counter/preempt negative messaging by subversive forces.

The ARNG – SF units are expected to maintain a proficient level of expertise in each of these combat focused tasks in order to support military operations overseas. During domestic use, the ARNG – SF units exercise special reconnaissance in support of law enforcement agencies, assist in support to law enforcement/state information messaging, instruct law enforcement agencies in direct action type activities, and instruct/advise law enforcement agencies on techniques used in unconventional warfare to be used in anti-gang task forces and efforts, again in a support role to law enforcement agencies.

### **C. ARNG – SF WITHIN TITLE 32 AND STATE ACTIVE DUTY**

Title 32 is the most common legal status for the ARNG – SF. Whenever completing their weekend drills or annual training requirements, the ARNG – SF soldier is using federal funding while under state control. Title 32 § 502 requires the members of the ARNG to drill 48 times per year and conduct an annual training that is no less than 15 days in length.<sup>20</sup> The ARNG – SF units are also required to meet this standard, though their annual training events are generally a minimum of 21 days and often times are overseas working with foreign militaries.

### **D. GUIDANCE, POLICY AND DOCTRINE**

Identifying strategic guidance for the use of the Army National Guard Special Operations Forces domestically will further narrow the gap between the efforts of the

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<sup>19</sup> Ibid.

<sup>20</sup> Required Drills and Exercises Act of 1956, 32 USC § 502 (1994).

United States Special Operations Command overseas and those efforts led by law enforcement agencies at home. The Army National Guard Special Operations Forces have a unique capability to operate within the states under the command of the respective governor and/or adjutant general and in support of law enforcement officers but there is little to no coordination from one state to another and there is no legal or bureaucratic link between the Special Operations Forces while under Title 32 (or State Active duty) and Special Operations Command – North, the element charged with command and control of Special Operations Forces in the Northern Command area of responsibility. ARNG SOF are capable of providing highly trained and educated soldiers to support the governors and adjutants general plans and, with a dedicated group of soldiers at Special Operations Command – North, a direct tie into the Title 10 military command element. Clear guidance and authorities must be identified in order to ensure this relationship grows while at the same time respecting the individual authorities provided to the governors within their states and the Commander of SOCNORTH.

The White House's Strategy for combating Transnational Organized Crime identifies that organized crime syndicates "pose a significant and growing threat to national and international security..."<sup>21</sup> and lays out a framework to fight this growing trend. Of significant importance is the identification of terror networks that are using the established logistic chains and funding opportunities established by these crime syndicates to further their efforts to possibly infiltrate the United States using drug and human trafficking channels.<sup>22</sup> The Presidents strategy identifies five major policy directives that remain vague and open for interpretation. In his U.S. Army War College Civilian Research Project, Lieutenant Richard Drew identified that even three plus years after the publication of the Presidents strategy to combat transnational criminal organizations no single entity has been designated as the lead agency to coordinate this

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<sup>21</sup> "Transnational Organized Crime: A Growing Threat to National and International Security," The White House, National Security Council, accessed September 3, 2014.  
<http://www.whitehouse.gov/administration/eop/nsc/transnational-crime/threat>

<sup>22</sup> Ibid.

fight.<sup>23</sup> Drew goes on to say, “If the threat posed by TCOs warranted a strategy from the White House to fight it then a plan to implement the strategy must follow at some point. With all the agreement that there must be a new whole-of-government (WOG) approach to address these threats, what are the organizational and legislative changes required to combat these expanding and converging threats?”<sup>24</sup> Strategic level direction has been given but what attempts have been made to implement methods to focus on this guidance? Ideally, there would be one entity assigned overall responsibility for the effort that maintains the professionalism of the force, to identify and understand the complex authorities, and be willing to educate all parties in the capabilities within the variety of tools available to state and federal governments. The following pages will show how that idea remains unrealized.

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<sup>23</sup> Richard Drew, “Implementing the Strategy to Combat Transnational Organized Crime: Much Reorganization Required.” (Civilian Research Project, United States Army War College, 2014) 1.

<sup>24</sup> Ibid. 4.

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### **III. ARMY NATIONAL GUARD SPECIAL FORCES DOMESTIC OPERATIONS**

#### **A. NATIONAL GUARD SPECIAL OPERATIONS IN SUPPORT OF CIVIL AUTHORITIES**

Support to civil authorities is the second task listed within the NORTHCOM mission statement and is a difficult, critical and often contentious mission.<sup>25</sup> Northern Command as a whole has attempted to be as proactive as possible when there has been a disaster domestically. From pushing members of the 82<sup>nd</sup> Airborne Division to Louisiana following Hurricane Katrina in 2005 to deploying multiple units from all components to New York and New Jersey in response to Hurricane Sandy in October of 2012. The responsibility for Defense Support to Civil Authority is delegated to NORTHCOM in Joint Publication 3–28 for the contiguous 48 states and Alaska.<sup>26</sup> The Commander of Pacific Command is responsible for coordinating DSCA response for Hawaii and Guam and maintains a similar relationship with the National Guard Bureau as the Commander of NORTHCOM.<sup>27</sup>

Defense Support to Civil Authority (DSCA) is defined as “support provided by federal military forces, the DOD civilians, contractors and the National Guard Forces (when the Secretary of Defense, in coordination with the governors, elect and request the forces in a Title 32 status) in response to a request for assistance from civil authorities for domestic emergencies, law enforcement support and other domestic activities or from

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<sup>25</sup> “NORTHCOM Fact Sheet,” United States Northern Command, accessed 10 September 2014 <http://www.northcom.mil/Newsroom/FactSheets/ArticleView/tabid/3999/Article/1891/usnorthcom-vision.aspx>

<sup>26</sup> Department of Defense, *Defense Support to Civil Authorities*, (Joint Publication 3–28) (Washington, DC: Government Printing Office, 2013) II-7.

<sup>27</sup> I will focus the research on the relationship between NORTHCOM, the National Guard Bureau, the State National Guard forces and other government agencies with the assumption that the process are similar for Hawaii and Guam but the Title 10 military command is different. Pacific Command (PACOM) shares the unique relationship with the state of Hawaii as NORTHCOM does with Colorado. The only major difference in the DSCA response for PACOM is the logistical needs based on the vast distances between Hawaii and the mainland and Guam and any other developed country.

qualifying entities for special events.”<sup>28</sup> The broad ranges of activities that qualify under DSCA include natural disaster response (hurricanes, earthquakes, etc.), manmade disaster response (terrorist attack, hazardous material spills, etc.) or special events (political conventions, sporting events, etc.). In many circumstances the National Guard will be the first units that respond or are identified as supporting these events. This is done for two major reasons, the governors prefer to maintain control of the forces operating within their states and while in a Title 32 or State Active Duty status, the Posse Comitatus Act does not apply to National Guard forces.<sup>29</sup> This allows the National Guard personnel to provide direct support to law enforcement officers without gaining special permission from the Secretary of Defense or President, (and falls under the law of each state).

The Army National Guard also has the ability to loan forces from one state to another when agreed upon by the respective state governments. The Emergency Management Assistance Compact (EMAC) allows states to support one another quickly in moments of crisis. In 2005, Louisiana, Mississippi and Alabama all relied on Army National Guard units to provide assistance to their states following Hurricane Katrina. After Hurricane Sandy in 2012, New York and New Jersey did the same. These agreements allow a quick response between states that might need a capability that is held in a neighboring state. The ARNG – SF units have been used in these capacities as mentioned previously. This mechanism can easily be used in the future to coordinate operations that support law enforcement and SOCNORTH.

Special Operations Forces within the Army National Guard have supported and are supporting civil authorities currently. During the 2012 Republican National Convention (RNC) held in Tampa, Florida, NORTHCOM was tasked with supporting the United States Secret Service (USSS) in providing security and logistics for the convention. The USSS, under the Department of Homeland Security, is designated as the

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<sup>28</sup> Department of Defense, *Defense Support to Civil Authorities*, (Joint Publication 3–28) (Washington, DC: Government Printing Office, 2013) 1–2.

<sup>29</sup> *Ibid.*, I-6.

primary agency during National Special Security Events (NSSE).<sup>30</sup> During these events multiple federal, state and local agencies are involved. While the U.S. Secret Service is the lead agency and all others play a supporting role, the Department of Defense normally utilizes both active and reserve component forces to provide their piece of support when requested.<sup>31</sup>

During the 2012 RNC, Lieutenant General Steven Hummer, was designated as the military task force commander by NORTHCOM. Under his leadership members of the Florida Army National Guard were provided by the Governor of Florida to provide support to the overall convention. The Special Operations Detachment – Central (SOD-C) was tasked with providing the core staff for LTG Hummer.<sup>32</sup> SOD-C is made up of 36 officers and senior non-commissioned officers as a staff augmentation unit for their supported Theater Special Operations Command.<sup>33</sup> From August 15 through August 24, this SOF element operated effectively within their Title 32 authority and provided a national level event with direct support and was the core coordinating staff for the Department of Defense’s Task Force. However, little to no situational awareness was provided through official channels that these Special Operations soldiers and equipment were used in support of civil authorities. The Florida National Guard and National Guard Bureau were made aware of a list of units supporting the event, but no direct reports were provided to the NORTHCOM Special Operations Detachment or U.S. Special Operations Command.<sup>34</sup> In no way is this a violation of authorities, but the information could have

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<sup>30</sup> Ibid., IV-1.

<sup>31</sup> Ibid., IV-2.

<sup>32</sup> Major, W. Fillyaw, (full time administrator of Special Operations Detachment – Central) in discussion with the author, MacDill Air Force Base, Tampa, FL, 28 July 2014.

<sup>33</sup> SOD-C is based in MacDill Air Force Base, Tampa, Florida and provides staff augmentation to Special Operations Command – Central. It is an element commanded by an Army Special Forces Colonel with a Special Forces Command Sergeant Major as his Senior Enlisted Advisor. Of the 36 positions in the SOD, 18 are specified as Special Forces billets. The SOD is primarily used in the Central Command area of responsibility as augmentation to special operations headquarters elements in the Mideast. Within the state of Florida, SOD-C is tasked as a command and control element for National Guard response in support of civil authority.

<sup>34</sup> Major, W. Fillyaw, (full time administrator of Special Operations Detachment – Central) in discussion with the author, MacDill Air Force Base, Tampa, FL, 28 July 2014.

been shared more efficiently to ensure all concerned parties were at least aware of the activities of subordinate units that are provided resources from Major Force Program – 11 (MFP – 11).<sup>35</sup>

## **B. NATIONAL GUARD SPECIAL OPERATIONS IN SUPPORT OF COUNTER-DRUG OPERATIONS**

### **1. Authorities**

Under the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD (CN & GT)), the Defense Department is tasked as the “single lead agency for detection and monitoring of aerial and maritime transit of illicit drugs into the United States and an important contributor to national efforts to counter transnational organized crime, conducts operations and activities to disrupt and degrade the national security threats posed by drug trafficking, piracy, transnational organized crime and threat finance networks reasonably related to illicit drug trafficking activities.”<sup>36</sup> The focus on aerial and maritime routes of trafficking leaves open the land domain crossing from Canada and Mexico. These two crossing areas are under the authority of the Department of Homeland Security, with their lead agency, Customs and Border Patrol. This delineation is mainly due to the capabilities found in each of the separate departments and has been well coordinated in the past. It is however, the land domain that the Army National Guard and Special Operations Command – North could have the most important effects.

Title 32 USC § 112 gives the authority to the National Guard Bureau to coordinate and conduct drug interdiction and counterdrug activities under the command of the individual governors and Adjutants General of the state National Guard forces.<sup>37</sup> This authority is further supported by the DASD (CN & GT) objective under their second

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<sup>35</sup> “Glossary of Defense Acquisition Acronyms and Terms,” Defense Acquisition University, accessed 3 November 2014, <https://dap.dau.mil/glossary/pages/2192.aspx>

<sup>36</sup> Deputy Assistant Secretary of Defense (CN & GT), *Counternarcotics & Global Threats Strategy*, Washington, DC: Deputy Assistant Secretary of Defense (CN & GT) 2011.

<sup>37</sup> Drug Interdiction and Counter-drug Activities Act of 1989. Public Law 108–375 § 116 (k), U.S. Statute at Large 118 (2004) 1869.



strategic goal of preventing drug and precursor trafficking within the western hemisphere.<sup>38</sup> The DASD CN & GT specifically states they will enhance the National Guard support to border areas through the intelligence analysis, transportation, linguistic and detection and monitoring capabilities.<sup>39</sup>

### **C. NATIONAL GUARD BUREAU COUNTERDRUG**

The National Guard Bureau's Operations Directorate in Arlington, Virginia administers the National Guard Bureau's Counterdrug program. The state counterdrug plans are validated and consolidated for submittal to the Department of the Army and on to the Secretary of Defense for approval and resourcing through the National Guard Bureau.<sup>40</sup> Once validated and resourced the States' National Guard Counterdrug Coordinators are the managers of the programs within their respective states. Under NGB Regulation 500–2, six mission sets are authorized.<sup>41</sup> These missions are:

#### **1. Program Management**

This task is simply the overall management of the counterdrug program and includes liaison support to law enforcement agencies, resource management, and personnel and equipment management.<sup>42</sup> Each of these sub-tasks are conducted by Special Forces soldiers when deployed overseas in the daily operations of a Special Forces Detachment.

#### **2. Linguist Support / Investigative Case and Analyst Support**

The second mission category is a broad spectrum of support to law enforcement agencies. Providing translation of written, audio and video recordings is authorized,

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<sup>38</sup> Deputy Assistant Secretary of Defense (CN & GT), *Counternarcotics & Global Threats Strategy*, Washington, DC: Deputy Assistant Secretary of Defense (CN & GT) 2011.

<sup>39</sup> Ibid.

<sup>40</sup> Department of Defense, *National Guard Bureau Counterdrug Operations*, (NGB 500–2) (Washington, DC: Government Printing Office, 2008) 1.

<sup>41</sup> Ibid., 5–6.

<sup>42</sup> Ibid., 5.

however active/real time translations are not.<sup>43</sup> This mission set also encompasses case analysis support focusing on link analysis, document exploitation, commodity-financial analysis and case construction.<sup>44</sup> The final two sub-tasks are communication and subsurface/diver support.<sup>45</sup> The establishment and maintenance of a communications network during law enforcement activities is a task uniquely suited for Special Forces soldiers. The Special Forces Communications Sergeant is an expert in this very task in the most austere environments using a variety of communications hardware. Subsurface/diver support encompasses supporting law enforcement agencies in hull inspections of vessels within ports of entry within the United States.<sup>46</sup> These two tasks are specifically trained in the Special Warfare Center and School, the same institution that is responsible for the Special Forces Qualification Course.

### **3. Domestic Cannabis Suppression Operations Support**

The assistance provided to a law enforcement agency through aerial, logistic, communication, intelligence, planning, medical, physical security and destruction of contraband all fall under this mission task.<sup>47</sup>

### **4. Counterdrug-Related Training and Training LEA/Military Personnel**

The training portfolio under the National Guard Bureaus counterdrug program tasks the National Guard with providing courses to military units and law enforcement agencies in “subjects and skills useful in the conduct of CD operations.”<sup>48</sup>

### **5. Reconnaissance/Observation**

Reconnaissance/Observation is a broad ranging mission set that allows for ground reconnaissance, unattended sensor support, maritime reconnaissance, use of ground

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid. .

<sup>45</sup> Ibid. 6.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

surveillance radar, aerial reconnaissance, and use of specialized infrared visual enhancement items in order to support law enforcement activities.<sup>49</sup>

## **6. Demand Reduction Support**

The final mission is to provide education programs to the youth of the state in support of the counterdrug program and promote drug free lives for the population.<sup>50</sup>

These six mission sets allow a great number of opportunities within which the Army National Guard Special Forces units and soldiers may bring their maturity and specialized training to bear in order to support law enforcement agencies.

## **D. ARMY NATIONAL GUARD SPECIAL FORCES IN COUNTERDRUG OPERATIONS**

The 3<sup>rd</sup> Battalion, 20<sup>th</sup> Special Forces Group from the Florida Army National Guard has extensive experience working within the Florida Counterdrug program. Florida has the majority of the 3<sup>rd</sup> Battalion, 20<sup>th</sup> Special Forces Group within its force structure. The 3/20<sup>th</sup> Special Forces Battalion Headquarters, Support Company and two line companies are spread throughout the state. With the constant threat of hurricanes, Florida relies on the entirety of its National Guard to assist in natural disaster response. In the past the state has relied heavily on the 3/20<sup>th</sup> Special Forces Group to assist in these responses and has also leaned heavily on this Battalion to support the state counterdrug plan. The Florida Ground Reconnaissance Team is currently made up of six members of the Florida National Guard, with its leaders all coming from the 3/20<sup>th</sup> Special Forces Group. This team is tasked with supporting law enforcement agencies with the reconnaissance/observation, subsurface/diver support, tagging and tracking subject vehicles and training.<sup>51</sup> These activities are perfectly suited for Special Forces soldiers and are tasks that these soldiers are specifically trained for and required to maintain

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<sup>49</sup> Ibid., 6–7.

<sup>50</sup> Ibid., 7.

<sup>51</sup> Command Sergeant Major, S. Keane, (senior non-commissioned officer of the Florida Counterdrug Program) in discussion with the author, St. Augustine, FL, 29 July 2014.

proficiency in. Unfortunately, diver support operations have been steadily declining due to deployments of qualified divers and budgetary constraints over the last year.<sup>52</sup>

Members of the 3/20<sup>th</sup> Special Forces Battalion also directly support the Florida Counterdrug Academy. The Florida Counterdrug Academy is tasked with providing training to military units and civilian law enforcement agencies in a variety of subjects under the Florida Counterdrug Plan.<sup>53</sup> The Counterdrug Academy in Florida is one of five throughout the country and is the only one that offers courses in jungle environment land navigation, personal security detachment operations, advanced marksmanship, tactical medicine, active shooter response, and they will begin offering courses in counter-threat financing in fiscal year 2014.

#### **E. ANALYSIS**

These tasks of manning and conducting operations of the Ground Reconnaissance Team and the Florida Counterdrug Academy within the National Guard Bureaus counterdrug program are ideally suited for Special Forces soldiers because of their extensive training in the specific tasks required. The state uses the units and soldiers in a means that plays to their strengths and provides the best opportunity for learning for the law enforcement officers. The Special Forces soldier learns each of these tasks while attending the Special Forces Qualification Course in Fort Bragg, North Carolina. They are required to continuously train in their specialty along with conducting cross training outside of their specialty prior to any deployment and while deployed overseas. While conducting these training events with the law enforcement agencies, the Special Forces soldier is also tightening the inter-agency bonds and further developing relationships.

The Florida Counterdrug Academy has seen an increase in requests for training from a variety of agencies also. The Customs and Border Patrols – Tactical Unit (BORTAC) will be conducting a week long jungle course in Florida within fiscal year 2013, the Drug Enforcement Administration offices in Florida conduct three to four

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<sup>52</sup> Ibid.

<sup>53</sup> “Mission Statement for FMCTFT,” Florida Multijurisdictional Counterdrug Task Force Training, accessed 15 September 2014, <http://mctft.counterdrugschools.com/home/mission>

training courses every year, the Puerto Rico National Guard has requested courses in fiscal year 2014 and 2015, and state and local law enforcement agencies keep the academy busy throughout the remainder of the year.<sup>54</sup> This broad range of engagements increase the reputation and increases the likelihood of law enforcement agencies to request the unit/soldiers they have come to know if/when needed to assist in homeland security situations.

## **F. THE DISCONNECT BETWEEN THE GLOBAL SOF NETWORK AND ARMY NATIONAL GUARD SPECIAL OPERATIONS**

### **1. The SOCOM Global SOF Network**

In his 2014 Posture Statement to the House Armed Services Committee, Admiral McRaven identified the Global SOF Network's need to maintain a presence forward based and deployed in order to persistently engage our partners and deter, prevent and when needed defeat our adversaries.<sup>55</sup> Admiral McRaven went on to identify the need to re-align Special Operations Forces to support the Theater Special Operations Commands in order to better support their campaign plans while maintaining the Special Operations Forces regional expertise in both culture and languages.<sup>56</sup> However, there is no mention to the special needs of what can be done domestically to close the gap between groups operating overseas and what is being done and what can be done domestically by civilian law enforcement agencies (LEA's). Special Operations Command – North is tasked to be the conduit for the Global SOF Network domestically and has a focus on Mexico that plays directly into the Global SOF Network. However, Special Operations Command – North has no dedicated units supporting domestic missions.

The link between what terrorist, narcotic and other criminal organizations that would see harm done to American citizens and infrastructure and what is being done

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<sup>54</sup> Command Sergeant Major, S. Keane, (senior non-commissioned officer of the Florida Counterdrug Program) in discussion with the author, St. Augustine, FL, 29 July 2014.

<sup>55</sup> *Posture Statement of Admiral William McRaven: Hearing Before the House Armed Service Committee, House of Representatives, 113<sup>th</sup> Cong., 5 (2014)* (statement of Admiral William McRaven, Commander U.S. Special Operations Command).

<sup>56</sup> *Ibid.*, 5.

domestically is lacking. Hezbollah is one such organization that has branched out across the globe to facilitate its operations. Designated a terrorist organization by the United States and European Union,<sup>57</sup> Hezbollah supporters have been active within the United States in a variety of means. In 2002 operatives for Hezbollah were convicted of transporting cigarettes across states lines to sell at a higher profit then sending a portion of those profits to their commanders in Lebanon. In 2009 a group of ten operatives were convicted of providing material support to Hezbollah through trafficking of stolen passports, laptop computers and automobiles. In 2011 the Drug Enforcement Administration investigation \$200 million were traced from cocaine sales in Europe and the Middle East to Hezbollah operations in Colombia and Lebanon.<sup>58</sup> The criminal investigation for these types of activities will always be led by law enforcement agencies within the United States. However, Army National Guard Special Forces soldiers could assist in the network development, counter-threat finance and observation/reconnaissance of these types of activities. The link between what the military Special Operations community is doing overseas to combat such organizations and what is being done domestically allows a perfect position for SOCNORTH to bridge the gap between the Global SOF Network and domestic law enforcement and for opportunities for Army National Guard Special Forces to assist law enforcement and maintain their skills between deployments overseas.

While under Title 10 authority mobilization orders the ARNG SOF units are utilized by the supported Theater Special Operations Command and fit into the Global SOF Network. When operating domestically under Title 32 authorities the ARNG SOF units work for the governors and Adjutants General of their respective states. At many times they are utilizing special operations-peculiar or unique techniques and equipment that was provided to them through the MFP-11 (Special Operations) funding line. With the separation of authorities, there is often a disconnect in the advising/collaboration and

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<sup>57</sup> Jonathan Masters and Zachary Laub, "Hezbollah (a.k.a. Hizbollah, Hiz'bullah)" Council on Foreign Relations, January 3, 2014, <http://www.cfr.org/lebanon/hezbollah-k-hizbollah-hizbullah/p9155>.

<sup>58</sup> Matthew Levitt, "Hezbollah's Criminal Network Expanding in Size, Scope and Savvy," The Washington Institute, *World Politics Review*, May 1, 2013, <http://www.washingtoninstitute.org/policy-analysis/view/hezbollahs-criminal-network-expanding-in-size-scope-and-savvy>.

coordination of activities that are being done domestically to the Special Operations command structure.

In preparation for Hurricane Sandy B Company from 3<sup>rd</sup> Battalion, 20<sup>th</sup> Special Forces Group a part of the North Carolina National Guard called a number of their soldiers in to prepare to support the coastal communities if needed. Part of their preparation was to establish communications with the sheriff and emergency response units along the North Carolina coast. During this preparation, the leadership from the company arranged for places to stay directly in the looming storm's path that would provide a location for the Special Forces soldiers to hunker down during the storm and immediately begin providing damage estimates to the state emergency response center and begin assisting citizens of the effected communities. The soldiers that gathered were medics, engineers, communications specialists, and the leaders of a number of the Special Forces A-Teams all prepared to assume the risk of sitting in a building during a growing hurricane.

Luckily the state did not need the extra support from the National Guard, but the major highlight of this circumstance was that at no time was the Army Special Forces Command notified that Special Forces qualified soldiers and their equipment were prepared for and waiting deployment orders to respond to a domestic operation under the command of their governor and adjutant general. Again, there was nothing wrong with the utilization of special operations peculiar or unique training and equipment in this scenario, but it is a case where Army Special Operations Command and U.S. Special Operations Command could garner great public awareness of their service members bringing their bravery, sacrifice and training to support their communities.<sup>59</sup>

## **G. CONCLUSION**

The Special Forces soldier is normally a more mature and experienced individual than his conventional counterpart and has been assessed and trained because of this

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<sup>59</sup> This scenario is one that the author participated in and through conversations with Sergeant First Class Carl Frye of B Company, 3<sup>rd</sup> Battalion, 20<sup>th</sup> Special Forces Group, captured the North Carolina Special Forces units response to Hurricane Sandy.

personality trait.<sup>60</sup> While other unit types or soldiers with different military occupational skills can execute some of SF's core missions (e.g., Direct Action), the Special Forces soldier is expected to be able to accomplish direct action, special reconnaissance, foreign internal defense, unconventional warfare, counter-terrorism, counter proliferation and support to information operations while deployed.<sup>61</sup> The Special Forces soldier is a multi-lingual military to military/ military to civilian teacher, an expert in ground reconnaissance, and oftentimes manages both money and training programs for indigenous forces. It can be argued that manning and running a state counterdrug program would provide additional training to the Special Forces soldier, while at the same time as meeting the governors counterdrug plan and supporting law enforcement agencies because of ARNG-SF's unique skill set.

With a wide range of possible situations that state leadership can face at any point, understanding the capabilities found within their state force structure is paramount to quick and timely responses or the ability to get in front of a situation prior to its execution. The threats posed by drug cartels and human trafficking rings are too great of a risk to ignore. SOCNORTH is ideally situated to establish a collaboration ring that brings law enforcement, Army National Guard Special Operations and the Global SOF Network together as a whole. Assisting in the coordination of EMACs specifically for SOF response to natural/manmade disasters and for collaboration among law enforcement support across state lines, SOCNORTH command can be the element responsible for counter transnational criminal organizations for the U.S. government. The following section will review SOCNORTH's responsibility and authorities in responding to threats to the homeland.

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<sup>60</sup> Department of the Army, *Special Forces Operations* (FM 3-05.20) (Washington, DC: Government Printing Office, 2006) 1-12.

<sup>61</sup> Department of the Army, *Special Forces Operations* (FM 3-05.20) (Washington, DC: Government Printing Office, 2006) 2-2.



## **IV. SPECIAL OPERATIONS COMMAND – NORTH AND DOMESTIC OPERATIONS**

### **A. SPECIAL OPERATIONS COMMAND – NORTH**

Special Operations Command – North was a provisional command established in 2013 at the request of the commanders of Northern Command and Special Operations command. Formerly the Special Operations Detachment within the NORTHCOM Operations Staff Directorate, SOCNORTH became operational in August of 2014. The command is tasked with “partnering to conduct homeland defense, civil support and security cooperation to defend and secure the United States and its interest and under NORTHCOM defend America’s homeland – protecting our people, national power and freedom of action.”<sup>62</sup>

SOCNORTH is responsible for coordinating special operations activity in CONUS, Mexico, Canada and the Bahamas. They are also responsible for coordinating with federal, state and local law enforcement agencies for a continuation of effort within the Global SOF Network.<sup>63</sup> SOCNORTH, like NORTHCOM, has a different, and arguably, more difficult mission than the other Theater Special Operations Commands. Both mission statements begin with “partners to conduct homeland defense...,”<sup>64</sup> while the other Combatant Command mission statements begin with “conduct joint and combined full-spectrum military operations....”<sup>65</sup> The necessity to “partner” within the NORTHCOM AOR is necessary to ensure compliance with the Posse Comitatus Act (PCA).<sup>66</sup> This necessity requires the command to work within certain legal authorities

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<sup>62</sup> “United States Special Operations Command Factbook,” United States Special Operations Command, accessed 4 September 2014, [http://www.socom.mil/News/Documents/USSOCOM\\_Fact\\_Book\\_2014.pdf](http://www.socom.mil/News/Documents/USSOCOM_Fact_Book_2014.pdf).

<sup>63</sup> Ibid.

<sup>64</sup> “NORTHCOM Fact Sheet,” United States Northern Command, accessed 8 September 2014, <http://www.northcom.mil/Newsroom/FactSheets/ArticleView/tabid/3999/Article/1891/usnorthcom-vision.aspx>.

<sup>65</sup> “SOUTHCOM Fact Sheet,” United States Southern Command, accessed 8 September 2014, <http://www.southcom.mil/ourmissions/Pages/Our-Missions.aspx>.

<sup>66</sup> Use of Army and Air force as Posse Comitatus Act of 1956, 18 USC § 1385 (1994).

and with law enforcement agencies (LEA) and other state entities in order to ensure mission completion and success.

One of SOCNORTH's responsibilities is to assist in response options to a Defense Support to Civil Authority (DSCA) requirement. The special operations community has not had a designated command and control element for these operations in the United States until now. Finalizing the link between the states Army National Guard Special Forces and SOCNORTH is the final hurdle in matching the units with the combatant command. The existing gap between responsibilities and authorities creates vulnerabilities with unknown negative consequences.

Special Operations Command – North's official mission states that the command will employ Special Operations Forces in partnership with the Interagency and Regional Special Operations Forces in order to defend the United States and support civil authorities.<sup>67</sup> The desire and intent to play a role in the Global SOF Network is currently being resourced by the command as they grow. However, the limited number of service members assigned and the lack of adequate workspace has forced the command to prioritize and restrict the efforts of planning and engaging partners domestically. As the command continues to receive incoming personnel and the permanent facilities are prepared, the command must begin to branch out from the counter-terrorism and counter-weapons of mass destruction focus and begin identifying how and where they may coordinate efforts to ensure the Global SOF Network begins to include the law enforcement agencies authorized to operate domestically, the States National Guard forces that can operate within their borders and provide Northern Command and Special Operations Command the awareness of where and how the MFP-11 personnel and equipment are being utilized to support civil authorities.

A need to develop guidance that broadens the authority of the Global SOF Network was identified by the Rand Corporation in their "Developing and Assessing

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<sup>67</sup> Commander Special Operations Command – North, *Commanders Mission and Guidance Memorandum*, Petersen Air Force Base, Colorado: 2014.

Options for the Global SOF Network.”<sup>68</sup> However, the Rand Corporations work also maintains a focus on overseas operations and do not identify the need for linking domestic operations with the Global SOF Network. Additional links between Title 32 capabilities in support of law enforcement and the Title 10 command structure of SOCNORTH need to be identified. This would provide trained special operators that work within Title 32 for the governors while collaborating and coordinating with other such elements across state lines. The ability to successfully link Army National Guard Special Forces with the state and their law enforcement agencies and SOCNORTH would provide for a conduit between the Special Operations Forces overseas and the LEA’s working domestically.

## **B. RECOMMENDATIONS**

### **1. Broadening of Authorities.**

A broadening of the National Guard Bureau’s authorities under counterdrug operations to include counter transnational criminal organization would provide an increase in capabilities to local, state and federal law enforcement agencies through the National Guard Bureaus Counterdrug Program. In the draft of Northern Commands estimate for Department of Defense support to Law Enforcement Along the Southwest Border, the command recommends this exact increase of authority noting that terrorist organizations have become intertwined with transnational criminal organizations.<sup>69</sup> This policy change would have to be headed by the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats with support from the National Guard Bureau and Northern Command. Lieutenant Colonel Richard Drew in his Civilian Research Project for Georgetown University states that a new National Center for Combating Transnational Criminal Organizations is needed to coordinate the fight against this

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<sup>68</sup> Thomas Szayna and William Welser IV, “Developing and Assessing Options for the Global SOF Network.” RAND Corporation Research Report Series (2013).

<sup>69</sup> Commander Northern Command, *Draft Commanders Estimate for Department of Defense Support to Law Enforcement Agencies Along the Southwest Border*, (Petersen Air Force Base, CO: 2014) 12.

threat.<sup>70</sup> I agree with this assessment but feel that Special Operations Command – North is ideally situated for this purpose. With responsibility for coordinating Special Operations within the Northern Command area of responsibility, the established relationships with law enforcement agencies, the established relationships with the Army National Guard Special Forces, SOCNORTH can assume this responsibility fairly easily with a slight increase to their authorized Manning.

## **2. Assignment of Title 10 Active Guard/Reserve members to Special Operations Command – North.**

To assist in the assumption of coordinating counternarcotic and transnational criminal organizations and to assist in the coordination and collaboration across state lines, the National Guard Bureau will need to provide personnel to assist in this mission. The Title 10 Active Guard/Reserve program has personnel that are familiar with the authorities that affect these missions and have established relationships with the State National Guards that would allow a smoother coordination/collaboration between the states and federal assets. Providing the following officers and enlisted service members would be ideal; a Colonel (O6) as the deputy Commander or Operations Officer, a Lieutenant Colonel as the National Guard Advisor within the J3 (Operations Directorate), a Major as a strategic planner to focus on domestic operations planning and training events, a Chief Warrant Officer 2–4 within the J3 (Operations Directorate) to provide experience and expertise with National Guard domestic operations, a Master Sergeant or Sergeant First Class within the J1 (Personnel Directorate) in order to assist with Reserve Component personnel issues, and a Master Sergeant or Sergeant First Class within the J2 (Intelligence Directorate) in order to provide experience and expertise with legalities of intelligence operations during domestic operations. The Army National Guard will need to identify positions to “pay the bill” for these positions. Some possibilities are; the re-stationing of one of the officer positions currently in Special Operations Command – Africa, Central and South to Special Operations Command – North, re-stationing of two

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<sup>70</sup> Richard Drew, Lieutenant Colonel, United States Army War College Civilian Research Project, “Implementing the Strategy to Combat Transnational Organized Crime: Much Reorganization Required” (2014).

of the enlisted positions at the Muscatatuck Urban Training Center to Special Operations Command – North, and the re-alignment of a Warrant Officer billet from the Army National Guard Operations Directorate (G3) to Special Operations Command – North.<sup>71</sup> Each of these positions should be identified as Special Forces Qualified (18 Series) personnel or (in the case of the J1) be filled by a service member with experience with the Army National Guard Special Operations Forces. At a minimum the Army National Guard should provide a senior Lieutenant Colonel and a Major to work in the J3 and J5 and a senior NCO to assist in the J1.

### **3. Army National Guard Special Forces Groups Liaisons**

In order to provide a designated tie to the National Guard Special Forces Groups the two Groups need to provide dedicated liaison officers that would be responsible for coordinating efforts between Special Operations Command – North and the operational units. These soldiers must be the best-qualified and proven members of their organizations. The men will be the personal representative of the Commander of their respective group and must be familiar with the capabilities held within their organizations. These soldiers must also understand the complexities of operating domestically and have a firm grasp of the different political and legal issues that the state governors and adjutants general must accommodate for when utilizing National Guard forces in support of their domestic missions. They will be responsible for the direct coordination between SOCNORTH and the leadership of their organization within their respective states during training events and real world responses. They do not need to be on yearlong orders, though this is optimal, but the positions should be filled during domestic emergencies and scheduled training events. A cost sharing arrangement would have to be agreed upon in order to pay the pay and allowances for these service members that would ensure the complete buy in of all parties.

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<sup>71</sup> Timothy Hoban, “Army National Guard Special Forces Force Structure Update,” presentation given October 2013 to the Army National Guard Special Operations Forces Advisory Committee (Alexandria, VA 2013).

#### **4. Funding Issues**

Funding for these changes will be difficult in this time of declining budgets. However, with a cost sharing between the National Guard Bureau, Special Operations Command – North, the Army National Guard Special Operations Branch and the States the impact on any one sub-activity group would be diminished. A joint effort would need to be approached to ensure adding the new requirements to the future requests for funding would need to be coordinated. The common factor to estimate cost for personnel is \$200 per day per soldier. Using this factor it would cost approximately \$73,000 per year to maintain a soldier on orders to support SOCNORTH and the domestic missions. The Title 10 Active Guard Reserve soldiers would not add any additional costs as they are already budgeted for through the Army National Guard. Therefore, the only additional costs would be for the liaisons from the two National Guard Groups, between the four entities that would benefit from having these soldiers assigned to SOCNORTH an equal breakdown would be less than \$19,000 per year per soldier. The Special Operations Branch in the Army National Guard Operations Division is uniquely situated to lead this effort on the National Guards side as they have direct lines of communications with the States, Special Operations Command, and the National Guard Bureaus counterdrug offices. Special Operations Command – North would need to coordinate through Northern Command and Special Operations Command to request the authority to assist in funding these additional liaison officers and other critical items. This small investment would return a large payoff that is hard to measure.

The newly formed Special Operations Detachment – North (SOD – N) would also be able to fill in any gaps for the SOCNORTH staff. SOD – N is a unit within the Colorado National Guard force structure and is the designated reserve component unit supporting SOCNORTH. Their normal drills and annual training events could easily be used to supplement the SOCNORTH staff and would add no additional cost during these statutorily mandated training timeframes. Having the National Guard soldiers conduct their drills and annual training with the command would also help in the establishment of personal relationships and would provide SOCNORTH with a known quantity if they are ever in need of a deployable command team.

## **5. Responsibilities and Authorities**

SOCNORTH must be involved in the tracking and coordination of Special Operations units when responding to domestic emergencies or when any ARNG – SOF unit is engaged in any type of law enforcement support. The ability of the Army Special Operations Command and the U.S. Special Operations Command to fully understand the experience, capability and usage of the ARNG – SOF units will never be fully accomplished unless the Theater Special Operations Command responsible for domestic operations is fully incorporated in the activities of the ARNG – SOF. There also must be an understanding within SOCNORTH that the governor has the final say on how, when, who and why ARNG – SOF are used. Existing authorities separating state and federal entities must be recognized.

The ARNG Special Operations Branch can assist the ARNG – SOF leaders in establishing Emergency Management Assistance Compacts between states where both have or only one of the two have SOF units within their force structure. This will have to be coordinated with the SOCNORTH, the ARNG Title 10 AGR soldiers and the effected states. No other entity is so ideally situated with this coordination responsibility, as long as all parties work together to work to one common goal.

## **6. Education of Leaders**

The leadership within the Army National Guard Special Operations community must take it upon themselves to educate their own civilian and military leadership within their state on the capabilities that they can bring to aid in disaster or National Sensitive Security type events. The ARNG-SOF leaders must also ensure that the states without SOF understand what extra capabilities these units and soldiers can bring to bear on an event with little warning and great effect. Whether it be an element to establish emergency communications, advanced emergency medical aid, or command and control, the ARNG – SOF units are ideally suited to assist with little to no assistance for a short (2-5 days) duration. The ARNG – SOF leaders must also educate the active (Title 10) leadership on what authorities they fall under when working domestically and must be the entities that ensure the state leaders have access to and use these soldiers effectively.

The Title 10 AGR officers and non-commissioned officers within the Special Operations community must also educate the active duty leaders on the authorities that the state leaders maintain under Title 32 and ensure that there is as little friction as possible if the ARNG – SOF soldiers are called upon for any of the variety of domestic operations a governor might deem necessary.

## **7. Conclusion**

The soldiers within the Army National Guard Special Operations community want to be utilized more often and want to help their states and the U.S. Government as much as possible, whether on overseas or domestic missions. They are all highly trained, motivated and willing to assist their communities or any community in the United States. Though the individual Special Operations soldier may cost more to call to duty for response to a domestic emergency than his conventional counterpart, Special Operations units can accomplish more with smaller overall numbers. It must be recognized that these soldiers won't be able to secure large areas or provide large swaths of traffic control. However, a group of 6–12 Special Operations soldiers can establish an open communications network for a statewide first-responder enterprise. They can train local, state and federal law enforcement officers on techniques that will enhance their survivability and diminish threats to local population. They can establish command, control and coordination cells for immediate relief to local and federal emergency aid groups extremely effectively.

Special Operations Command – North and the Army National Guard Special Forces will have to work closely together in the future in a wide range of missions under various authorities. The earlier initiatives are implemented to foster the relationship between all parties the smoother the response will be to the current threats our country faces on our borders and if another attack on our homeland occurs. The more time that passes before attempting to cement the relationship the more difficult it will be to change policies, authorities and opinions.

The Army National Guard Special Forces units have been utilized in contingency operations overseas over the last thirteen years. However, with declining budgets and a



declining mission set in the Middle East the likelihood of the Army National Guard Special Forces being utilized overseas is dwindling. In order to maintain their capabilities the ARNG – SF units must either find training events or real world domestic operations that they can support. Law enforcement training and support and domestic emergencies provide the best situations for the Special Forces soldiers within the Army National Guard to practice their training and ensure that they are ready for operations overseas when called.

Special Operations Command – North is positioned to be the conduit between the Army National Guard Special Forces and U.S. Special Operations Command as the National Guard conduct domestic operations. To enhance this relationship the Title 10 Active Guard/Reserve soldiers that will be assigned to SOCNORTH must bridge the gap between the National Guard forces, the command structure and SOCNORTH in such a way that respects the autonomy of the governors/adjutant's general but at the same time ensures that the military forces of the United States are tied together to ensure the safety of all Americans.

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